

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JIRIKI BAUTISTA, an individual, ARI SILVA,
an individual

No. C18-0757 RSM

Plaintiff,

STIPULATED MOTION
AND ORDER EXTENDING
TEMPORARY STAY OF
CASE FOR 120 DAYS

WFS EXPRESS, a Delaware corporation,
CONSOLIDATED AVIATION SERVICES, a
New York Corporation

Defendants.

Plaintiffs Jikiri Bautista and Ari Silva (“Plaintiffs”), and Defendants WFS Express and Consolidated Aviation Services (collectively, the “Defendants”) hereby move on a stipulated and agreed basis for an order extending the temporary stay in this case for 120 days while the Parties conduct mediation in an attempt to reach an agreement to resolve this action. In support of this Stipulated Motion, Plaintiffs and Defendants state as follows:

1. On April 25, 2018, the Plaintiffs commenced this action by filing a complaint in King County Superior Court against the Defendants. On May 25, 2018, the Defendants removed this action to the United States District Court for the Western District of Washington pursuant to the Class Action Fairness Act (28 U.S.C. §1332(d)). In the subsequent seventeen months, the Parties have participated in substantial documentary discovery, including the

STIPULATED MOTION AND ORDER EXTENDING
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Case No : 2:18-cv-00757-RSM

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1 production of voluminous timekeeping and payroll data for Defendants' employees, who
2 comprise the putative class.

3 2. Counsel for the Parties have conferred regarding the relevant factual and legal
4 issues in this case, and whether it would be preferable to participate in early mediation before
5 undertaking significant litigation and motions practice relating to the validity of the Plaintiffs'
6 claims and theories. The Parties have also considered the Court's practice of encouraging
7 litigants to explore early settlement initiatives that might shorten the duration and cost of
8 litigation.

9 3. As result of these discussions, the Parties have agreed to mediate with Judge
10 Steven Scott. A mediation with Judge Scott was originally set for October 23, 2019.

12 4. Prior to that mediation date, it became clear that the Parties' needed to exchange
13 additional information and discovery before concerted settlement discussions could occur. For
14 example, Plaintiffs seek native file spreadsheets showing manager's changes to timekeeping
15 records during the relevant period. The Defendants have also expressed the intent to produce
16 video evidence which they believe undermine Plaintiffs' rest break claims. Based on the need
17 for a further exchange of information and discovery, the Parties struck the October 23, 2019
18 mediation date.

20 5. A new mediation date of January 29, 2020 has been set.

21 6. The Parties believe that in the next 120 days, they can: (1) exchange the
22 necessary discovery and information necessary to constructively participate in mediation, (2)
23 conduct the mediation, and (3) negotiate the specific terms and details of a settlement.

1 However, the Parties also agree that if they are simultaneously attempting to comply with Court
2 deadlines and participate in motions practice, this would reduce their ability to constructively
3 participate in mediation.

4 On the basis of the foregoing, the Parties request the Court enter an Order staying this
5 action for all purposes for a period of at least 120 days so that the Parties may conduct early
6 settlement efforts.

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8 STIPULATED TO AND SUBMITTED this 6th day of November, 2019.

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ORDER

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Having reviewed the Parties' Stipulated Motion for Order Extending Temporary Stay of
3 Case for 120 Days, the Court grants the motion for the good cause shown within and orders that
4 all litigation in this action is temporarily stayed for one-hundred twenty days (120) from the
5 entry of this order to enable the Parties to focus on and conduct additional settlement efforts.
6 Within 120 days, the Parties shall file a status report with the Court describing the status of the
7 Parties' efforts to resolve this matter.

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9 DATED this 13th day of November 2019.

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12 RICARDO S. MARTINEZ
13 CHIEF UNITED STATES DISTRICT JUDGE
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